



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

EDWARD DRUMMOND, §
Plaintiff, §
§
vs. § CIVIL ACTION NO. 5:15-4285-MGL-KDW
§
MAJOR NEAL URCH, Director; COUNTY §
ATTORNEY VIRGINIA DUPONT; ASLEY §
MCCANN, Legal; SGT. THOMAS; NURSE §
WHITE; AND DR. MCDONALD, §
Defendants. §

**AMENDED ORDER ADOPTING THE REPORT AND RECOMMENDATION,
GRANTING DEFENDANT MCDONALD'S MOTION AND
THE OTHER DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
AS TO PLAINTIFF'S FEDERAL CLAIMS,
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT,
DENYING PLAINTIFF'S MOTION FOR A THIRD-PARTY DOCTOR EXAMINATION,
DISMISSING PLAINTIFF'S FEDERAL CLAIMS WITH PREJUDICE,
AND DISMISSING PLAINTIFF'S STATE CLAIMS WITHOUT PREJUDICE**

This case was filed as a 42 U.S.C. § 1983 action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Defendant McDonald's motion for summary judgment be granted, the other defendants' motion for summary judgment be granted, Plaintiff's motion for summary judgment be denied, Plaintiff's motion for a third-party doctor examination be denied, and Plaintiff's case be dismissed. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final

determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on December 16, 2017, and the Clerk of Court entered Plaintiff's objections on January 3, 2017. The Court has carefully considered the objections, but finds them to be without merit. Therefore, it will enter judgment accordingly.

The Court's characterization of Plaintiff's January 3, 2017, submission as "objections" is a charitable one. Frankly, Plaintiff has largely failed to object to the Report. Instead, he generally makes arguments that have no merit. Therefore, the Court will overrule his "objections."

After a thorough review of the Report and the record in this case pursuant to the standards set forth above, the Court overrules Plaintiff's objection, adopts the Report to the extent it does not contradict this Order, and incorporates it herein. Accordingly, Defendant McDonald's motion for summary judgment is **GRANTED** as to Plaintiff's federal claims, the other defendants' motion for summary judgment is **GRANTED** as to Plaintiff's federal claims, Plaintiff's motion for summary judgment is **DENIED**, Plaintiff's motion for a third-party doctor examination is **DENIED**, Plaintiff's federal claims are **DISMISSED WITH PREJUDICE**, and his state claims are **DISMISSED WITHOUT PREJUDICE** so he can pursue them in state court if he wishes to do so.

IT IS SO ORDERED.

Signed this 6th day of February, 2017, in Columbia, South Carolina.

s/ Mary Geiger Lewis

MARY GEIGER LEWIS

UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.